IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 3505 of 2007(P)

PETITIONER:

N.THANKAPPAN, HEAD WATCHMAN,
FOOD CORPORATION OF INDIA, FSD,
ARAKULAM, IDUKKI DISTRICT, RESIDING AT
OLIYARAKKAL HOUSE, POOCHAPRA,
DEVARUPARA P.O., IDUKKI DISTRICT.

BY ADV. SRI.DINESH R.SHENOY
SRI.K.J.SEBASTIAN

RESPONDENTS:

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1. THE GENERAL MANAGER, FOOD CORPORATION
OF INDIA, REGIONAL OFFICE, KESAVADASAPURAM,
THIRUVANANTHAPURAM.

2. THE AREA MANAGER,
FOOD CORPORATION OF INDIA,
KOTTAYAM.

3. K.M.GEORGE, HEAD WATCHMAN,
FOOD CORPORATION OF INDIA, FSD,
ARAKULAM, IDUKKI DISTRICT.

BY SC SMT. V.P.SEEMANDINI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 3505 OF 2007

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Dated this the 5th day of February, 2007

JUDGMENT

The prayers in the writ petition are to direct the first respondent to consider Ext.P11 representation sympathetically in the light of his medical condition and the fact that he is 57 years old and to grant him a posting in his home District and to direct the respondents to refrain from disciplinary action against the petitioner on the ground of unauthorised leave.

2. Case of the petitioner in brief is as follows:

Petitioner is a Head Watchman with 30 years of service. His further case is that he had suffered heart attack and had undergone two successive Angioplasties, which left him in a totally weak physical condition. He submitted Ext.P6 representation and was posted to his home District, Idukki. It is stated that for accommodating the third respondent, it is understood that an order has been passed transferring the petitioner to Chingavanam in the place of the third respondent and this would entail a daily journey of almost 170 - 180 Kms from the

petitioner's house at Poochapra. Petitioner submitted Exts.P10 and P11 representations for a sympathetic consideration. But he is issued with Ext.P12 telegram asking him to join duty and threatening that if not, it would be considered seriously.

3. Learned Standing Counsel on instruction submits that in fact the third respondent has already assumed charge. It is admitted that Ext.P11 is pending consideration. Learned counsel for the petitioner would point out that the third respondent was transferred to Arakulam and he assumed charge on 26.10.2006. Thereafter on 3.2.2007 third respondent has taken charge at Chingavanam to which petitioner is purported to be transferred by the respondent.

In such circumstances, the writ petition is disposed of, leaving open the contentions of the petitioner, with a direction to the first respondent to consider and take a decision on Ext.P11 in accordance with law with notice to the petitioner and the third respondent within a period of one month from the date of receipt of a copy of this judgment.

sb. (K.M. JOSEPH, JUDGE)

K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.